

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this TERMINAL DISCLAIMER and the documents referred to as enclosed therein are being deposited via facsimile on the date indicated below addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Thomas Northrup 9-9-99
Thomas Northrup, Reg. No. 33,268 Date
Applicant: Hein, et al.
Serial No.: 09/200,657
Filing Date: November 25, 1998
Title: TRANSGENIC PLANTS EXPRESSING
ASSEMBLED SECRETORY ANTIBODIES
Group Art Unit: 1649
Exam.: T. Haas
Our Ref.: TSRI 184.2 C1

TERMINAL DISCLAIMER PURSUANT TO
37 CFR § 1.321(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Petitioner, The Scripps Research Institute, residing at 10550 North Torrey Pines Road, La Jolla, CA 92037, in the county of San Diego and State of California, represents that it is the assignee of the entire right, title and interest in and to the above-identified application as set forth in an assignment recorded on 10/19/98, on reel 9612, frame 0659.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 5,639,947, issued 6/17/97, and hereby agrees that any patent so granted on the above-identified herein application shall be enforceable only for and during such period that the legal title

to said patent shall be the same as the legal title to U.S. Patent No. 5,639,947, issued 6/17/97. This agreement is to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Pat. No., 5,639,947 as presently shortened by any terminal disclaimer in the event that one or more later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable; (3) is found invalid; (4) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a); (4) has all claims canceled by a reexamination certificate; or (5) is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents accompanying or referred to in the instant Terminal Disclaimer have been reviewed by the undersigned and it is certified that to the best of Petitioner/Assignee The Scripps Research Institute's knowledge and belief, title is in the Petitioner/Assignee.

The undersigned represents that he is a representative duly authorized to sign on behalf of the Petitioner.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Serial No.: 09/200,657

TSRI 184.2 C1

Respectfully submitted,

9-9-99

DATE

By: Thomas E. Northrup
Thomas E. Northrup

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☒ [X] Attorney or agent of
record
☐ [] Filed under §1.34a